



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,120	04/21/1999	THOMAS J. REDDIN	25040-0153	7995
29052 7590 03/25/2009 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
EXAMINER				
JANVIER, JEAN D				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
03/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **Reply Brief**

The Reply Brief filed on January 30, 2009 has been considered. However, the claim amendment filed with the Reply Brief will not be entered. Here, although the Appellant states that the amendment to the claim is an attempt to address or overcome the 101 rejection based on Bilski, however, upon reviewing the said claim amendment, the Examiner notes that the amendment does not address the 101 rejection and that it is simply an attempt to introduce new elements in the claims after the Examiner's Answer was issued. Thus, the amendment will not be entered. Finally, the Application will be forwarded to the Board of Patent Appeal and Interferences for decision on the Appeal **based on the previously filed claims considered during the Examiner's Answer.**

### **Conclusion**

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. James Myhre, can be reached at (571) 272- 6722.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

03/23/09

/Jean Janvier/  
Primary Examiner, Art Unit 3688